

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ANTHONY X. SMITH,

No. C 10-04483 CW (PR)

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiff filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On November 12, 2010, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

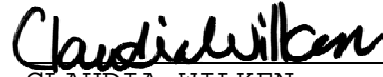
Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

1 The Clerk of the Court shall enter judgment in accordance with
2 this Order, terminate all pending motions, and close the file.

3 IT IS SO ORDERED.

4 Dated: 1/25/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY X. SMITH,

Plaintiff,

v.

/ et al,

Defendant.

Case Number: CV10-04483 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony X. Smith
AC8729
Santa Rita Jail
5325 Broder Blvd
Dublin, CA 94568

Dated: January 25, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California